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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,219	10/29/2001	Mitchell J. Bogdanowicz	83417DMW	8987

7590 03/24/2006  
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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2625

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,219	BOGDANOWICZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cheukfan Lee	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 12 is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☒ Claim(s) 1,6-9,11 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 1 and 3-15 are pending. Claims 1, 3, 7, 8, 10, and 13 are independent.
2. The indicated allowability of claims 3-15 is withdrawn. Rejections and objections of the claims follow.
3. Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claim 3 claims a method of transferring an image recorded on a photographic film to a digital signal by using a telecine scanning device. The rest of the claim language is for modifying the telecine scanning device; its not for describing method steps of the claimed method. The claim does not recite any method step in a method of transferring an image recorded on a photographic film to a digital signal.

Claims 4-6, which depend on claim 3, are rejected for the same reason as given for claim 3 because none of claims 4, 5 and 6 dissolves the deficiency of claim 3.

Claim 7 claims on lines 3-4 "the transfer is calibrated" is not understood as in what it means since the transfer is a process; it is proper to say that a device or an apparatus is calibrated. It is not understood how a process is calibrated.

4. The abstract is objected to because of the following:

Line 10, "will produce" should be changed to – produces – in order to be definite, since "will produce" does not mean that the printing densities are actually produced.

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5. The specification is objected because of the following:

Page 1, line 6, the docket number should be either replaced with a serial number or added before or after the docket number if Applicant refers to retain the docket number; and

Page 4, line 31, "will produce" should be changed to – produces – for the reason given for the abstract.

Applicant should check the specification for other such minor errors.

Correction is required.

6. Claims 1, 6-9, 11, and 13-15 are objected to because of the following:

In claim 1, line 15, "will produce" should be changed to – produces – or – produce --, depending on whether "scan data" is interpreted to be singular or plural, in order to be definite. See reason given for the abstract.

In claim 6, line 4, "will produce" should be changed to – produce – in order to be definite.

In claim 7, line 8, "will produce" should be changed to – produce – in order to be definite; and

line 5 of page 4, "will capture" should be changed to – captures – in order to be definite.

In claim 8, line 10, "will produce" should be changed to – produce – in order to be definite.

In claim 11, line 5, "will produce" should be changed to – produce – in order to be definite.

In claim 13, line 3 of page 6, "will produce" should be changed to – produce – in order to be definite.

In claim 15, line 4, "will capture" should be changed to – captures --.

Claims 9 and 14 are objected to as being dependent on objected claim 13.

7. Claims 1, 8 and 13 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

8. Claims 9, 11, 14, and 15 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 10 and 12 are allowed.

10. The following is an examiner's statement of reasons for allowance:

Claim 1 has been amended to include the limitation of claim 2, now canceled, which was indicated allowed in the previous Office Action dated October 5, 2005. The reason for allowance is still valid after the updated search and is repeated below.

Claim 1 would be allowable because the claim detailed is not taught by Houston et al. (6,442,497), including the scan data representing printing densities which when written out to the film recorder produces printing densities of the output film onto the target print material that are identical to the printing densities of the same photographic film optically transferred onto the target print material.

Claim 8 and its dependent claim 9 would be allowable because Houston et al. (6,442,497) does not disclose the steps of comparing the scan measurements to aim values derived from the film calibration elements, the aim values representing printing densities of the output film, and adjusting the film scanning device until the scan measurements substantially agree with or equal to the aim values as claimed.

Claim 10 and its dependent claims 11 and 12 are/would be allowable because Houston et al. (6,442,497) does not disclose a telecine scanning device that continuously scanning the motion picture film after the telecine scanning device is calibrated in relation to printing densities.

Claim 13 and its dependent claims 14 and 15 are/would be allowable because Houston et al. (6,442,497) does not disclose calibrating, using the calibrating element (Fig. 3), the film scanning device with respect to aim values representing printing densities and generating calibrated scan settings, and producing code values by the film scanning device as claimed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
March 12, 2006



*Cheukfan Lee*